

Message Text

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FM SECSTATE WASHDC

TO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 125681 TOSEC 130151

EXDIS

FOLLOWING REPEAT USUN NEW YORK 2218 ACTION SECSTATE INFO
CAIRO TEL AVIV 21 MAY 76.

QUOTE

S E C R E T USUN 2218

EXDIS

DEPARTMENT PASS SECRETARY IMMEDIATE

E.O. 11652: GDS

TAGS: PFOR, UNSC, XF

SUBJ: DISCUSSIONS WITH EGYPTIAN DELEGATION ON A DRAFT
CONSENSUS STATEMENT

REF: USUN 2209

1. AMBASSADOR SHERER MET WITH EGYPTIAN DEPUTY PERM REP
AHMED THIS AFTERNOON TO DISCUSS, ON AD REFERENDUM BASIS,
AMENDMENTS TO FRENCH CONSENSUS STATEMENT WHICH MIGHT
MAKE IT ACCEPTABLE TO USG.

2. SHERER STRESSED THAT ARAB REVISIONS WERE TOTALLY
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UNACCEPTABLE. WE HAD DIFFICULTIES ENOUGH WITH FRENCH

VERSION, WHICH WENT WELL BEYOND THE SIMPLE, TWO-POINT CONSENSUS DISCUSSED BY EILTS AND FAHMY.

3. AMBASSADOR AHMED REPLIED THAT OTHER ARABS CONSIDERED FRENCH CONSENSUS TEXT FAR TOO WEAK AND WERE PREPARED, IN FACT ANXIOUS, TO REVERT TO A RESOLUTION THAT U.S. WOULD VETO. THIS OBVIOUSLY WAS NOT IN EGYPTIAN INTEREST, AND HE ASSUMED NOT IN THAT OF U.S. HE WAS WILLING THEREFORE TO SEARCH FOR MIDDLE GROUND.

4. SHERER EXPLAINED IN DETAIL OUR OBJECTIONS TO BOTH FRENCH AND ARAB TEXTS. HE EMPHASIZED LACK OF BALANCE IN THEIR ONE-SIDED REFERENCE TO ARAB RIGHTS WHILE NEGLECTING RIGHTS OF OCCUPYING POWER. HE ALSO NOTED THAT U.S. WAS NOT NOW PREPARED TO DEPLORE ISRAEL'S ACTIVITIES IN THE OCCUPIED TERRITORIES.

5. FOLLOWING OUR REJECTION OF ARAB TEXT, DISCUSSION FOCUSED ON FRENCH VERSION. SHERER PRESENTED DEPARTMENT'S TWO FORMULATIONS (PARA 3 OF TOSEC 130065 - NOTAL.) AHMED SAID HE COULD NOT GO BACK TO ARABS WITH THIS LANGUAGE; IT MADE NO JUDGMENT ABOUT RECENT ISRAELI ACTIONS AND DID NOT EVEN ASK ISRAEL TO REFRAIN FROM HER SETTLEMENT POLICY.

6. AS DISCUSSION WAS ABOUT TO BREAK UP, SHERER SUGGESTED ON A STRICTLY PERSONAL BASIS SOME MODERATING CHANGES TO FRENCH TEXT THAT HE WOULD BE WILLING TO PUT TO DEPARTMENT IF AHMED BELIEVED THEY MIGHT BE ACCEPTABLE TO EGYPT. IN SUM, THESE CHANGES (A) ADD A BALANCING REFERENCE TO ARTICLE 64 OF FOURTH GENEVA CONVENTION ON RIGHT OF OCCUPYING POWER TO MAINTAIN ORDER, (B) CHANGE "DEPLORES" TO "STRONGLY REGRETS", (C) DELETE COMMAS IN SUCH A WAY AS TO INDICATE REGRET ONLY OVER ACTIONS WHICH ALTER THE DEMOGRAPHIC COMPOSITION OF THE AREA, LEAVING OPEN WHETHER RECENT ISRAELI ACTIONS HAVE DONE SO, AND (D) ADD "COULD" BEFORE "CONSTITUTE AN OBSTACLE TO PEACE."

7. AFTER FURTHER DISCUSSION, AHMED SAID HE WOULD BE WILLING TO REPORT THESE SUGGESTIONS TO CAIRO. IF THEY WERE ACCEPTABLE TO HIS OWN GOVERNMENT, THEY WOULD BE
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TRIED OUT ON ARAB GROUP, WHERE HE ANTICIPATED GREAT DIFFICULTY.

8. FOLLOWING IS TEXT OF FRENCH CONSENSUS STATEMENT WITH CHANGES SUGGESTED BY SHERER:

"FOLLOWING THE REQUEST SUBMITTED BY EGHPT ON 3 MAY 1976, THE SECURITY COUNCIL MET BETWEEN 4 MAY 1976 AND ... MAY 1976

TO CONSIDER THE SITUATION IN THE OCCUPIED ARAB TERRITORIES.
AFTER CONSULTING ALL THE MEMBERS, THE PRESIDENT OF THE
SECURITY COUNCIL NOTED THAT THERE WAS THE FOLLOWING CON-
SENSUS AMONG THEM:

THE SECURITY COUNCIL EXPRESSED ITS GRAVE ANXIETY OVER
THE PRESENT SITUATION IN THE OCCUPIED ARAB TERRITORIES AND
IT ALSO EXPRESSED CONCERN ABOUT THE WELL-BEING OF THE POP-
ULATION OF THOSE TERRITORIES.

THE FOURTH GENEVA CONVENTION RELATIVE TO THE PROTECTION
OF CIVILIAN PERSONS IN TIME OF WAR IS APPLICABLE TO THE ARAB
TERRITORIES OCCUPIED BY ISRAEL SINCE 1967. ARTICLES 27, 49 AND
64 ARE REGARDED AS BEING OF PARTICULAR RELEVANCE IN THIS CONTEXT.

THE SECURITY COUNCIL THEREFORE CALLS UPON THE
OCCUPYING POWER TO COMPLY STRICTLY WITH THE PROVISIONS OF
THAT CONVENTION AND TO REFRAIN FROM ANY MEASURE THAT WOULD
VIOLATE THEM. IT ACCORDINGLY STRONGLY REGRETS THE
INITIATIVES TAKEN BY ISRAEL IN THE OCCUPIED ARAB TERRITORIES
WHICH COULD ALTER THEIR DEMOGRAPHIC COMPOSITION OR GEOGRAPHICAL
NATURE AND PARTICULARLY THE ESTABLISHMENT OF SETTLEMENTS.
SUCH ACTIONS, WHICH CANNOT PREJUDGE THE OUTCOME OF THE
SEARCH FOR THE ESTABLISHMENT OF PEACE, COULD CONSTITUTE AN
OBSTACLE TO PEACE."
SHERER UNQUOTE
ROBINSON

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